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2-18-04  
Lisa M. Davis  
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Clifford Chance US LLP

Docket No. 5677-216

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mark J. Chimel et al.

Filed: September 25, 2003

Group Art Unit: 1761

Serial No: 10/672,232

Examiner: TBA

For: BARS AND CONFECTIONERIES CONTAINING COCOA SOLIDS HAVING  
A HIGH COCOA POLYPHENOL CONTENT AND STEROL/STANOL  
ESTERS AND PROCESSES FOR THEIR PREPARATION

**FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In order to comply with 37 CFR 1.97 and 1.98, attached hereto is a copy of Form PTO-1449. Copies of the United States documents are not being provided.

Applicants respectfully request the Examiner's consideration of the cited reference and entry into the record of this application and that it be cited of record in the prosecution history of the present application by initialing Form PTO-1449 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Information Disclosure Statement is being submitted in compliance with 37 CFR 1.56, but the citation of such document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104 and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

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The present Information Disclosure Statement has been submitted prior to the receipt of an Office Action in this application. Accordingly, no fee is due. However, in the event that a first Office Action was mailed on or before the date of submission of this disclosure statement, the Commissioner is hereby authorized to charge any fees to deposit Account No. 50-0521.

Respectfully submitted,

Date:

*February 18, 2004*

*Margaret B. Kelley*  
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FORM PTO-1449 (Rev. 11-2003) Department of Commerce Patent and Trademark Office

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Serial No. 10/672,232

Inventors: Mark J. Chimel et al.

Docket No. 5677-216

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		2003/0148007	8-7-03	Schevers et al.	426	306	
		2003/0068357	4-10-03	Vala et al.	424	439	
		2002/0192318	12-19-02	Berry et al.	424	776	
		2002/0132035	9-19-02	Tamarkin et al.	426	601	
		2002/0090438	7-11-02	Mesu et al.	426	573	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION

## OTHER DOCUMENTS

EXAMINER INITIAL		AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 [6-4]